

### REMARKS

The Abstract was objected to because it contained the words "is disclosed." The Abstract has been amended accordingly; therefore, this objection should be withdrawn. Additionally, the Abstract has been shortened to not exceed the 150 word limit.

The title was objected to as not being descriptive of the claimed invention. The title has been appropriately amended; therefore, this objection should be withdrawn.

The description was objected to with regard to reference character 26 referring to both a hollow cylindrical portion and a cylindrical grip. Page 6 of the description has been amended to consistently recite the structure which corresponds to reference character 26. Therefore, this objection should be withdrawn.

Applicant also provides a copy of a proposed correction to the drawings to identify the tab or ring 23.

Claim 3 was rejected under Section 112, second paragraph, as being indefinite regarding use of the term "HxV." This term is found in the description at the table on page 5. This term means the height above the spout bore 16 multiplied by the air space of volume V. Fig. 3 shows how the height is measured. This relationship of the height and volume provide the minimum passage volume which is required to prevent spillage. Therefore, this numerical expression is not indefinite, and clearly finds antecedent basis both in the description and the figures. Therefore, this objection should be withdrawn.

Claims 1-3 and 9 were rejected under Section 102 as being anticipated by Hayes, Jr. Applicant respectfully traverses this rejection. In Hayes, there are two separate passageways or chambers which are formed on the lid, namely, a liquid chamber 14 and a vent chamber 20. As explained as column 4, lines 44-49, when a cup is in a horizontal position, such as if it were accidentally knocked on its side, liquid would enter the second inlet end 18 of the liquid chamber 14 and the second outlet end 24 of the vent chamber 20, but would only rise within the respective chambers to a level the same as the level of liquid within the cup. The liquid will not fill the entire length of either of the chambers and, therefore, will not be able to exit the cup. Therefore, this reference specifically contemplates two separate chambers or passageways to include a liquid outlet 16 and a vent inlet 22. Accordingly, there are two openings formed on the cup. While this invention may be adequate for its intended purpose, it can be clearly seen that by having a cup which is tilted beyond horizontal, liquid could easily spill out as liquid could exit either the liquid outlet 16 or the vent inlet 22 because one of the openings would be uncovered, thereby allowing air to enter the cup. Claim 1 has been amended to further recite that the second end forms a single bore. Therefore, Claim 1 clearly distinguishes over the Hayes reference which absolutely requires two openings in the lid.

Claims 1-12 were rejected under Section 103 as being unpatenable over Freeman et al. in view of Boese. Applicant also respectfully traverses this rejection. These references are not properly combinable to obviate the present invention. In Freeman, a structure already exists for preventing spillage in the form of a membrane 13 having a slit 14. In the background discussion of this reference, it is stated at line 19 "another approach to the problem has been to provide a valved spout arrangement. However, prior art embodiments of this approach are relatively complex, multi-piece

structures which do not lend themselves to mass production methods." The present invention can be fairly characterized as a valved spout arrangement. This is exactly the type of structure which is to be avoided in the Freeman reference. In order to combine the teachings of Boese with Freeman, Freeman would have to be so modified to incorporate a valve as taught in Boese and to eliminate the membrane in Freeman. This modification of the primary reference would accordingly be in direct contravention to why the invention is provided in the first place.

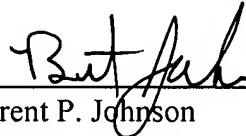
New Claim 13 has been added to further claim the present invention.

Applicant has made a sincere effort to place this application in condition for allowance; therefore, such favorable action is earnestly solicited.

Respectfully submitted,

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